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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,993	04/02/2004	Gary W. Brondt	44948	7270

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EXAMINER

DZIERZYNSKI, EVAN P

ART UNIT PAPER NUMBER

2875

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/815,993

Applicant(s)

BRONDT ET AL.

Examiner

Evan Dzierzynski

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-19 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-12, 14, 15, 20-23, 25 and 26 is/are rejected.
- 7) ☒ Claim(s) 5, 13 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/02/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/29/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

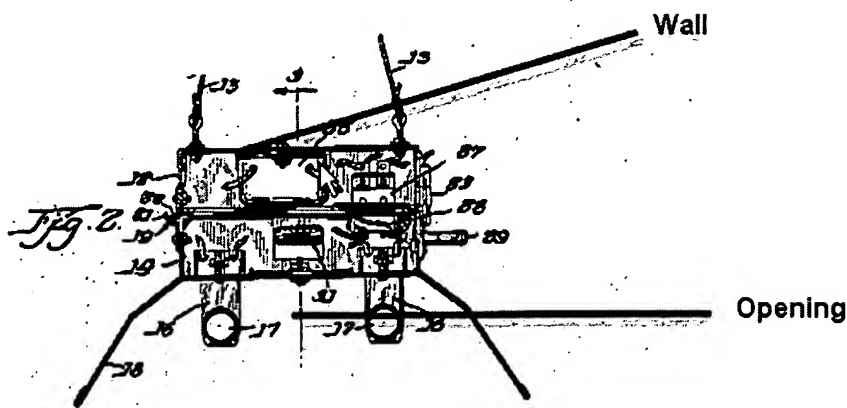
Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

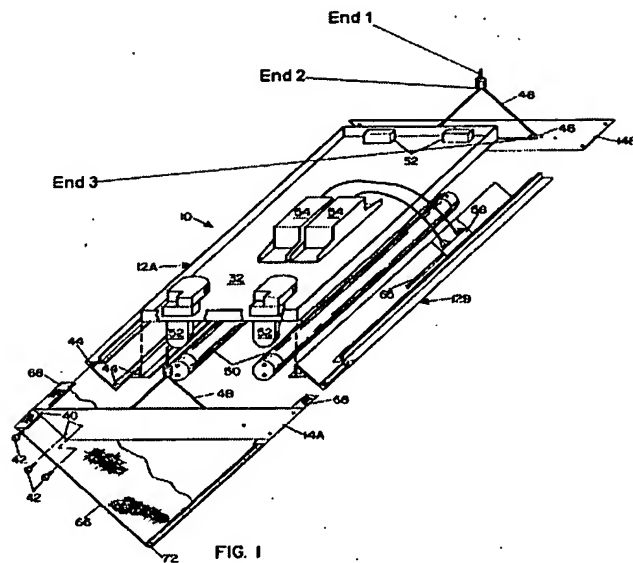
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westby (US Pat 2678380) in view of Ambasz (US Pat 4613930).

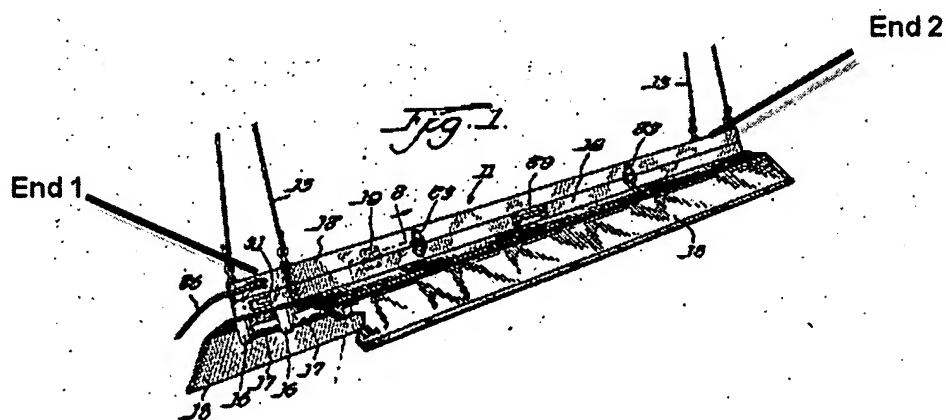
With respect to claims 1 and 2, Westby teaches a lighting fixture (fig 1), comprising a housing 12 supporting a first lamp 17 including a wall and an opening opposite the wall (drawn in below). Westby also teaches a first suspension cable 13 coupled with a housing. The cable includes opposite first and second ends (shown in Fig 1, not numbered) the first end of the suspension cable having a first loop. Westby fails to teach a tongue which engages the loop of a cable. Ambasz teaches a tongue 46, integrally formed with the wall of the housing, which engages a suspension cable. It would have been obvious for one of ordinary skill in the art to combine the tongue of Ambasz with the lighting fixture of Westby in order to provide a simpler device with fewer parts to suspend the lighting fixture from a support.



As for claim 3, Westby and Ambasz teach the lighting fixture of claim 1, Ambasz teaches a second tongue 46 (not visible in the device because of the angle of the drawing), and a second suspension cable 48 includes a third end (drawn in below) with a second loop (end 3 makes up the second loop) engaging the tongue. It would have been obvious for one of ordinary skill in the art to combine the tongues and suspension cable arrangement of Ambasz with the lighting fixture of Westby in order to be able to hang the device from a support using less cables than Westby's support structure, which requires less materials and makes it less expensive.



As for claim 4, Westby and Ambasz teach the lighting fixture as discussed above, wherein the wall of the housing includes opposing ends (drawn below) and the first tongue 46 is disposed adjacent to one of the ends. Westby discloses attachment devices for the cables, at each end, but does not teach tongues. See the discussion in regard to claim 1 for the tongues.



As for claim 7, Westby further teaches the housing supporting a plurality of fluorescent lamps 17.

Claims 6,8, 20-23, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westby and Ambasz and further in view of McAlpin (US Pub 2003/0058640).

As for claim 6, Westby and Ambasz teach the lighting fixture as discussed above, but fail to teach a housing including first and second end caps engaging opposing ends of a wall of the housing. McAlpin teaches a housing fig 1 that includes first and second end caps 1, 2 engaging opposing ends of a wall of the housing. It would have been obvious for one of ordinary skill in the art to combine the end caps of McAlpin with the lighting device of Westby in order to provide a cover that protects the sides of the lighting apparatus.

As for claim 8, Westby and Ambasz teaches the lighting fixture as discussed above, but fails to teach a wall of the housing that includes an elongated slot allowing light from the lamp to shine there through away from the opening of the housing. McAlpin teaches a wall of a housing that includes an elongated slot allowing light from the lamp to shine there through away from the opening of the housing (section 0017). It would have been obvious for one of ordinary skill in the art to combine the slots of McAlpin with the lighting fixture of Westby in order to allow light to shine through the opening of the slot and to allow airflow into the device to cool the light sources.

As for claim 20, Westby discloses a method of suspending a lighting fixture from a support, Westby teaches a lighting fixture including a housing supporting at least one

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lamp 17, McAlpin teaches the opposite first and second end caps (fig 1). It would have been obvious for one of ordinary skill in the art to combine the end caps of McAlpin with the lighting fixture of Westby in order to provide a cover that protects the sides of the lighting fixture. It is inherent that Westby inserted the first end of the suspension cable between the housing of the fixture and the end caps in order to suspend the device. The method of looping the end of the suspension cable around a suspension member formed in the wall of the housing is inherent in the structure of the loop shown by Ambasz in 46, 48. It is inherent that the second end of the suspension cable opposite of the light fixture is suspended from a support, since the lighting fixture of Westby is said to be supported by a structure with suspension cables (column 2, lines 55+).

As for claim 21, Westby, Ambasz, and McAlpin teach the method as discussed above, it is inherent that Ambasz inserted the suspension cable between the wall of the housing of the lighting fixture and looped the suspension cable around another suspension cable formed in the wall of the housing, as shown in figure 1. It is also inherent that the second suspension cable end opposite of the first end suspends the lighting fixture from the support, since the light is a since light fixture.

As for claim 22, Ambasz teaches the method as discussed above, and discloses first and second suspension members are tongues formed with the wall of the housing 46. See discussion above about the tongues being integrally formed with the wall of the housing.

As for claim 23, Ambasz teaches wherein the first suspension member is a tongue 46.

As for claim 26, Westby, Ambasz and McAlpin teach the method as discussed above, Ambasz fails to teach the order of coupling the suspension cables, but it would have been obvious to connect the suspension cable to the support before attaching it to the device in order to gauge the desired elevation of the lighting device in comparison to the support.

Claims 9-12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westby and Ambasz and further in view of Florence (US Pat 3591798).

Westby and Ambasz teach the lighting fixture as discussed above, but fail to teach a first parabolic reflector that is coupled within the elongated housing, aligned with the first lamp, including a plurality of baffles. Florence teaches a first parabolic reflector that is coupled with the housing 45 aligned with the first lamp for directing light in a direction through the opening of the housing. Florence also teaches the parabolic reflector having a plurality of baffles extending towards the opening of the housing 26. It would have been obvious for one of ordinary skill in the art to combine features of Florence with the device of Westby in order to reflect more light out of the apparatus by using a parabolic reflector, and to disperse the light more evenly by using baffles.

As for claim 10, Westby, Ambasz and Florence teach the device of claim 9 as discussed above. Florence teaches a second parabolic reflector is coupled with the housing adjacent to the first parabolic reflector 41, and a second lamp is supported in the housing and aligned with the second parabolic reflector 15. It would have been obvious for one of ordinary skill in the art to combine features of Florence with the

device of Westby in order to reflect more light out of the apparatus by using another parabolic reflector.

As for claim 11, Westby teaches a lighting fixture comprising an elongated housing 12 supporting first and second lamps 17 including a wall and an opening opposite of the wall (drawn above in regard to claim 1); the wall includes opposing ends (drawn above in regard to claim 4) and first and second suspension cables 13 coupled with the housing, each of the first and second suspension cables including opposite first and second end (shown in Fig 1, not numbered), and the second ends of the suspension cables are adapted to engage a support to suspend the housing 12 from the support (column 2, lines 55+). Ambasz teaches first and second tongues formed therein 46, and each of the first ends of the suspension cables having a loop engaging the first and second tongues 46, of the wall of the housing. It would have been obvious for one of ordinary skill in the art to combine the tongues of Ambasz with the lighting fixture of Westby in order to provide connection devices to suspend the lighting fixture from a support. Westby fails to teach first and second reflectors for directing light from the first and second lamps through the opening. Florence teaches first and second reflectors directing light from the two lamps through the opening 41, 45. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the reflectors of Florence with the lighting apparatus of Westby in order to provide more of a lighting array by reflecting more light out of the device.

As for claim 12, Westby, Ambasz and Florence teach the lighting fixture as discussed above. Ambasz teaches first and second tongues 46 that are integrally formed with the wall of the housing.

As for claim 15, Westby, Ambasz and Florence teach the lighting fixture as discussed above. Florence teaches first and second parabolic reflectors that are coupled within the elongated housing and aligned with the first and second lamps, respectively, for directing light in a direction through the opening of the housing, and each of the parabolic reflectors including a plurality of baffles extending towards the opening of the housing 41, 45. It would have been obvious for one of ordinary skill in the art to combine features of Florence with the device of Westby in order to reflect more light out of the apparatus by using a parabolic reflector, and to disperse the light more efficiently by using baffles.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Westby, Ambasz, and Florence and further in view of McAlpin.

Westby, Ambasz and Florence teach the lighting fixture as discussed above, but both fail to teach a wall of the housing that includes an elongated slot allowing light from the lamp to shine there through away from the opening of the housing. McAlpin teaches a wall of a housing that includes an elongated slot allowing light from the lamp to shine there through away from the opening of the housing (section 0017). It would have been obvious for one of ordinary skill in the art to combine the slots of McAlpin with the lighting fixture of Westby in order to allow light to shine through the opening of the slot and to allow airflow into the device to cool the light sources.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Westby, Ambasz, McAlpin and further in view Florence.

As for claim 25, Ambasz teaches the method as discussed above, but fails to teach a parabolic reflector and a plurality of baffles. Florence teaches a first parabolic reflector that is coupled with the housing 45 aligned with the lamp for directing light in a direction through the opening of the housing. Florence also teaches the parabolic reflector having a plurality of baffles extending towards the opening of the housing 26. It would have been obvious for one of ordinary skill in the art to combine features of Florence with the device of Ambasz in order to reflect more light out of the apparatus by using a parabolic reflector, and to disperse the light more efficiently by using baffles.

Allowable Subject Matter

Claims 5, 13, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 16-19 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art fails to teach or disclose a housing that includes caps engaging ends of the wall of the housing, the end caps having a tab spaced from and covering a portion of the tongues.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan Dzierzynski whose telephone number is (571)-272-2336. The examiner can normally be reached on Monday through Friday 7:00 am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on M-F (571)-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Evan Dzierzynski

9/27/2005


RENEE LUEBKE
PRIMARY EXAMINER